THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.16851 of 2007

Between:

Deverapalli Jagannadha Rao. … Petitioner

and

The Tahsildhar and others. … Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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ORDER:

It is the case of the petitioner that he belongs to Scheduled Tribe. It is stated that the father of the petitioner and the father of respondents 2 and 3 originally owned the land admeasuring Ac.18-22 cents in various survey numbers situated at Seetappagudem, H/o.Buttaigudem, West Godavari District, Eluru. The father of the petitioner and the father of respondents 2 and 3 are brothers. Therefore, the father of the petitioner got half share i.e., Ac.9-11 cents and the father of respondents 2 and 3 got half share i.e., Ac.9-11 cents. It is stated that against the orders passed by the Settlement Officer, Eluru, in S.R.Nos.8/86 and 83/86, dated 30-05-1986, and S.R.No.6/86, dated 09-06-1987, in granting ryotwari patta in favour of one Sariam Mallaiah, Sri Lakshmudu and Sri Saramaiah, the petitioner's father and the father of respondents 2 and 3 filed an appeal before the Special Commissioner and Director of Settlements, A.P., Hyderabad. The Special Commissioner and Director of Settlements, A.P., Hyderabad, allowed the appeal through order, dated 30-03-1999, in proceedings No.A.P.No.43/98/G2, granting ryotwari pattas in their favour. Thereafter, the said land has been partitioned between the father of the petitioner and the father of respondents 2 and 3 and they cultivated the lands jointly. It is stated that the father of the petitioner died on 19-11-2005 and the father of respondents 2 and 3 died on 19-12-2006. It is stated that the petitioner made applications on 06-06-2007 and 27-06-2007

before the 1st respondent for mutation of his name in the revenue records. But the said applications have not been considered and disposed of so far.

On instructions, learned Government Pleader for Revenue appearing for the 1st respondent submits that the petitioner made an application on 09-06-2007 through registered post, but he has not submitted the said application in accordance with the prescribed form as per ROR Act. It is stated that so far mutation has not been effected in the revenue records as per the order of the Special Commissioner and Director of Settlements, A.P., Hyderabad in A.P.No.43/98/G2, dated 30-03-1999. It is further stated that one Sri Sariyam Lakshmudu, S/o.Late Nagulu and two others, who are respondents 2 to 4 before the Special Commissioner and Director of Settlements, A.P., Hyderabad, filed a revision before Social Welfare Department against the order in S.R.A.No.21 of 97 of the Agent to Government, West Godavari District, Eluru. Therefore, the pattadar pass books have not been issued to the land owners.

I am not inclined to express any opinion with regard to the pendency of the alleged revision said to have been filed by one Sri Sariyam Lakshmudu and two others before the Social Welfare Department against the order of the Agent to Government in S.R.A.No.21 of 97. If there is no stay, there cannot be any justification on the part of the 1st respondent in not implementing the order of the Special Commissioner and Director of Settlements, A.P., Hyderabad, in A.P.No.43/98/G2, dated 30-03-1999. Further, when applications have been filed, it is for the 1st respondent to consider and dispose of the same.

Having regard to the facts and circumstances of the case, the writ

petition is disposed of directing the 1st respondent to consider and dispose of the representations of the petitioner, dated 06-06-2007 and 27-06-2007, in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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24-09-2007

Prv